ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಕೆಲವು ಕೇಸುಗಳಲ್ಲಿ 2 ವರ್ಷದಿಂದಲೂ ಬಾಕಿ ಇದೆ. ಕೆಲವು ಕೇಸುಗಳಲ್ಲಿ 1 ವರ್ಷದಿಂದ ಬಾಕಿ ಇದೆ. ಕೆಲವು ಕೇಸುಗಳಲ್ಲಿ 2½ ವರ್ಷದಿಂದಲೂ ಬಾಕಿ ಇದೆ.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—'ಡಿಫಾಲ್ಟರ್ಸ್' ಅಂತ ಯಾವ ತಾರೀಖಿನಿಂದ ಕರೆಯಲ್ಪಡುತ್ತದೆ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಡ್ಯೂಡೇಟ್‌ನಲ್ಲಿ ಕೊಡದೇ ಇದ್ದರೆ ಆ ರೀತಿ ಪರಿಗಣಿಸಲ್ಪಡುತ್ತದೆ.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—ಡ್ಯೂಡೇಟ್ ಎಂದರೆ ಪ್ರತಿ ತಿಂಗಳೂ ಯಾವ ಡೇಟು ಎಂಬುದನ್ನು ಹೇಳುತ್ತೀರಾ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಪ್ರೊವಿಷನಲ್ ಮತ್ತು ಫೈನಲ್ ಅಸೆಸ್‌ಮೆಂಟ್ ಅಂತ ಇದೆ. ಪ್ರೊವಿಷನಲ್ ಅಸೆಸ್‌ಮೆಂಟಿಗೆ ಇಂಥಾ ತಾರೀಖು ಕೊಡಬೇಕೆಂದು ಇರುತ್ತದೆ. ಆ ತಾರೀಖಿನಲ್ಲಿ ಕೊಡದೇ ಇದ್ದರೆ ಆ ತಾರೀಖಿನಿಂದ ಡಿಫಾಲ್ಟರ್ಸ್ ಆಗುತ್ತಾರೆ; ಅದೇ ರೀತಿ ಫೈನಲ್ ಅಸೆಸ್‌ಮೆಂಟ್‌ಗೂ.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—ಪ್ರತಿ ತಿಂಗಳೂ ಕೂಡ 25ನೇ ತಾರೀಖು ಆದ ತಕ್ಷಣ ರಿಟರ್ನ್ ಜೊತೆಯಲ್ಲಿ ಚ್ರೈಜರಿ ರಸೀಟು ಕಳುಹಿಸುವ ಪದ್ಧತಿಯಿಲ್ಲವೇ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಪ್ರತಿ ತಿಂಗಳೂ ಆ ರೀತಿ ಕೊಡುತ್ತಿಲ್ಲ.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—ಆ ತಿಂಗಳ ಡ್ಯೂಡೇಟ್ ಮುಗಿದ ಮೇಲೆ ಕೊಡದಿದ್ದರೆ 'ಡಿಫಾಲ್ಟರ್ಸ್' ಅಂತ ಆಗುತ್ತದೆಯಲ್ಲವೇ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಹೌದು.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—ಎಂದಮೇಲೆ 3 ವರ್ಷ 4 ವರ್ಷ ಆದರೂ ಡಿಫಾಲ್ಟರ್ಸ್ ಅಂತ ನಮ್ಮನ್ನೆ ಇರುವುದರಲ್ಲಿ ಅರ್ಥವೇನು ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ನ್ಯಾಯವಾದ ಅನಾನುಕೂಲಗಳು ಇರುತ್ತವೆ. ಆದ್ದರಿಂದ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನವರು ಅಂಥವರಿಗೆ ರಿಯಾಯಿತಿ ತೋರಿಸುತ್ತಾರೆ. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಕ್ರಾನಿಕ್ ಡಿಫಾಲ್ಟರ್ಸ್ ಇರುತ್ತಾರೆ. ಅವರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ. ಕೆಲವರು ಮೊದಲನಿಂದಲೂ ಸರಿಯಾಗಿ ಕೊಡುತ್ತಾ ಬಂದು ಆನಂತರದಲ್ಲಿ ಡಿಫಾಲ್ಟರ್ಸ್ ಆಗುತ್ತಾರೆ. ಅದು ಸಮಯ, ಸಂದರ್ಭದ ಮೇಲೆ ಹೋಗುತ್ತದೆ.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—ಮೈಸೂರು ಸಿಟಿಯಲ್ಲಿ 7 ಜನ ಡಿಫಾಲ್ಟರ್ಸ್ ಆಗಿದ್ದಾರೆ. ಇದನ್ನು ಸರ್ಕಾರದವರು ವಿಚಾರಮಾಡಿದ್ದಾರೆಯೇ ? ಇದು ನಷ್ಟವಲ್ಲವೇ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಜಾಗ್ರತೆ ಅದನ್ನು ವಸೂಲುಮಾಡುವುದಕ್ಕೆ ಕ್ರಮ ಕೈಕೊಳ್ಳಬೇಕೆಂದು ಆರ್ಡರ್ ಮಾಡಿದ್ದೇವೆ. ಮೈಸೂರು ಸಿಟಿಯಲ್ಲಿ ಒಂದು ಕೇಸಿನಲ್ಲಿ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಆಗಿದೆ. ಕೇಸು ಪೆಂಡಿಂಗ್ ಇದೆ. ಇನ್ನೊಂದು ಕೇಸಿನಲ್ಲಿ ಫೆಬ್ರುವರಿ ಆಖೈರುವರೆಗೂ ಟೈಂ ಕೊಡಲಾಗಿದೆ, ಇನ್ನೊಂದು ಕೇಸ್‌ನಲ್ಲಿ ಮಾರ್ಚ್ ಆಖೈರುವರೆಗೂ ಟೈಂ ಕೊಡಲಾಗಿದೆ. ಇನ್ನೊಂದು ಕೇಸ್‌ನಲ್ಲಿ ನೋಟೀಸ್ ಇಷ್ಯೂ ಆಗಿದೆ. ಇನ್ನೊಂದು ಕೇಸ್‌ನಲ್ಲಿ ಮಾರ್ಚ್ ಆಖೈರುವರೆಗೂ ಟೈಂ ಕೊಡಲಾಗಿದೆ. ಇನ್ನೊಂದು ಕೇಸ್‌ನಲ್ಲಿ ಚಾರ್ಜ್‌ಷೀಟು ಹಾಕಲಾಗಿದೆ.

ಶ್ರೀ ಎಂ. ಚಿಕ್ಕಲಿಂಗಯ್ಯ.—ಈಗ ಆಂಟಿ ಕರಪ್ಷನ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನವರು ನಡೆಸತಕ್ಕ ಕೇಸುಗಳಲ್ಲಿ ಮಾತ್ರ ಹೆಸರುಗಳನ್ನು ತಿಳಿಸಬಹುದು, ಇದರಲ್ಲಿ ತಿಳಿಸಿದರೆ ತಪ್ಪೇನಾಗುತ್ತದೆ, ಸ್ವಾಮಿ ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ತಪ್ಪು ಆಗುವುದಿಲ್ಲ. ಕಾರಣ ಇಷ್ಟೆ. ಇದರಲ್ಲಿ ಕೆಲವರು ಸಭ್ಯರು ಇರುತ್ತಾರೆ. ನ್ಯಾಯವಾದ ತೊಂದರೆ ಇದ್ದು ಕೊಡಲಿಕ್ಕೆ ಆಗದೆ ಹೋಗುತ್ತದೆ. ಅಂತಹವರಿಗೆ ಸ್ವಲ್ಪ ಅವಮರ್ಯಾದೆಯಾಗುತ್ತದೆ ಎಂದು ಯೋಚನೆ ಮಾಡುತ್ತಾ ಇದ್ದೇವೆ ಅಷ್ಟೆ.

Procedure adopted by the Anti-Corruption Department.

Q.—116. Sri B. P. NAGARAJA MURTHY (Malavalli).—

Will the Government be pleased to state :—

(*a*) the procedure and rules followed by the Anti-Corruption Department during their enquiry ;

(*b*) whether it is not a fact that they do not grant copies of the statement or deposition of witnesses and also do not allow counsel to appear ;

(*c*) whether it is not a fact that Police Sub-Inspectors, Daffedars will conduct enquiry against Gazetted Officers ;

(*d*) whether it is not a fact that the Director of Anti-Corruption will submit his findings directly to the Minister without sending to the concerned Secretary ;

(*e*) whether it is not a fact that a trial by a judicial officer or tribunal will not be allowed even though the accused person prays for it ;

(*f*) whether they are aware that the Department of Anti-Corruption is accepting hearsay evidence and frame charges ?

A.—Sri KADIDAL MANJAPPA (Minister for Revenue and Public Works).—

(*a*) Procedure prescribed in Chapter X of the Manual of General Circulars and Standing Orders, Part I, in respect of inquiry into the conduct of public servants is being followed.

(*b*) Copies are not granted. Counsels are not generally allowed to appear.

(*c*) The prescribed departmental inquiry into charges framed against a public servant is held in quasi-judicial form only by Gazetted Officers of the Department.

(*d*) Yes.

(Sri KADIDAL MANJAPPA.)

(*e*) Judicial proceedings will not generally be instituted unless the misconduct is such that the matter cannot be adequately dealt with departmentally.

(*f*) Charges are framed on *prima facie* satisfactory evidence recorded, after collecting information from all possible sources.

Sri B. P. NAGARAJA MURTHY.—Will the Government be pleased to state whether the Anti-Corruption Act will be applied to enquiries ?

Sri KADIDAL MANJAPPA.—Certainly.

Sri B. P. NAGARAJA MURTHY.—Is it not provided in the Act that an accused may be permitted to engage a counsel ?

Sri KADIDAL MANJAPPA.—If I remember correctly, it is provided in the Act that it is left to the discretion of the officer to permit counsel to appear.

Sri B. P. NAGARAJA MURTHY.—Is there any instance so far where the Anti-Corruption Officer has used his discretion in favour of accused engaging counsel.

Sri KADIDAL MANJAPPA.—Not that I am aware of.

Sri B. P. NAGARAJA MURTHY.—Why are not copies given to the accused, Sir ?

Sri KADIDAL MANJAPPA.—Because authenticated copies in the hands of nuscrupulous public servants may be made use of to harass the member of the public who might have volunteered to give evidence against him.

Sri B. P. NAGARAJA MURTHY.—But will it not result in unfair disposal of justice ?

Sri KADIDAL MANJAPPA.—No unfair disposal.

Sri B. P. NAGARAJA MURTHY.—Will it not be unfair at least to the accused ?

Sri KADIDAL MANJAPPA.—No unfairness ; the accused will be dealt with very fairly. First there will be a preliminary enquiry and thereafter, if the department is satisfied that there is some substance *prima facie*...

Mr SPEAKER.—All this has been explained by you in the written reply yesterday.

Sri B. P. NAGARAJA MURTHY.—Has it come to the notice of the Government that even police sub-inspectors and daffedars conduct enquiries ?

Sri KADIDAL MANJAPPA.—They are only engaged to gather information before the regular enquiry starts.

Sri M. V. RAMA RAO.—May I know whether this procedure that has been prescribed in Chapter X of the Manual of General Circulars and Standing Orders, Part I, has been made in accordance with the Prevention of Corruption Act as it is in force in Mysore State ?

Sri KADIDAL MANJAPPA.—Yes, it is in accordance with that Act.

Sri M. V. RAMA RAO.—Is the Government sure that that is the procedure prescribed, Sir ?

Sri KADIDAL MANJAPPA.—If you want, I will give the Manual itself.

Sri M. V. RAMA RAO.—I want to know whether the procedure was prescribed some years ago or whether it has been prescribed very recently. It was prescribed some years ago, is it not, Sir ?

Sri KADIDAL MANJAPPA.—Yes.

Sri M. V. RAMA RAO.—Is the Minister in a position to say in what year the procedure was prescribed ?

Sri KADIDAL MANJAPPA.—I want some time Sir.

Sri M. V. RAMA RAO.—Is the Hon'ble Minister aware that the Mysore Prevention of Corruption Act now stands repealed after the application of the Central Prevention of Corruption Act in 1951 by the Central Parliament ?

Sri KADIDAL MANJAPPA.—It is a question of interpretation of the law. I will examine that position.

Sri M. V. RAMA RAO.—May I ask the Minister whether the Government have examined the validity of the procedure prescribed in the light of the actual law that is in force at present and the statutory qualification of the officer empowered to conduct the investigation and enquiry under the Act that is at present in force ?

Sri KADIDAL MANJAPPA.—The procedure now followed is not in any

way repugnant to the Central Act or to the Mysore Act.

Sri M. V. RAMA RAO.—I am not suggesting that the procedure is repugnant to the Central Act that is in force at present.

Mr. SPEAKER.—The Hon'ble Minister has already replied that the whole thing will be examined.

Sri M. V. RAMA RAO.—Yes, Sir. Will the Hon'ble Minister kindly say whether the Director of Anti-Corruption acts under the Central enactment that is in force at present or under any other law or rules or regulation made by the Government ?

Sri KADIDAL MANJAPPA.—If I remember correctly, this question whether the Central Act is in force or the Mysore Act is in force was examined some months ago and it was felt that there is no repugnancy as regards the procedure followed.

Sri M. V. RAMA RAO.—There is absolutely no doubt that the Central Act is in force, because the Central Act repeals the Mysore Act. My question was specific. Is the Director of Anti-Corruption guided in his work by the procedure prescribed and the jurisdiction conferred upon him by the Act that is in force, or is he guided by any other considerations and Rules or authority of the Government?

Sri KADIDAL MANJAPPA.—Under the authority of the rules in force he is acting.

Sri M. V. RAMA RAO.—Then is the Government aware Sir, that the Central enactment specifies only offences under the Indian Penal Code in which such investigations can be carried on by the Director of Anti-Corruption ?

Sri KADIDAL MANJAPPA.—It is open to the Government to refer any matter to the Director of Anti-Corruption for enquiry.

12-30 P.M.

Sri M. V. RAMA RAO.—Well, it is certainly open to Government to refer any such matter for enquiry. But is the Government aware that the officer possesses no statutory authority to hold enquiry other than that mentioned in the Act that is in force at present ?

Sri K. HANUMANTHAIYA (Chief Minister).—The Minister has already answered that the legal aspect will be examined.

Sri R. ANANTARAMAN.—Are you aware that the provisions of this Act are not applicable to the officials of the local bodies, for example, Corporation?

Sri KADIDAL MANJAPPA.—I would refer the Hon'ble Member to the Act itself.

Sri R. ANANTARAMAN.—Are you aware that there was correspondence in the matter that the Anti-Corruption Department had no jurisdiction over the Corporation ?

Sri KADIDAL MANJAPPA.—I am not aware of the correspondence.

Sri R. ANANTARAMAN.—At least now will you see to it and bring a suitable amendment ?

Sri KADIDAL MANJAPPA.—If there is need.

PUBLIC SERVICE COMMISSION IN THE STATE.

Q.—265. Sri B. T. KEMPA RAJ (Bangalore South–Scheduled Castes).—

Will the Government be pleased to state :—

(*a*) when the Public Service Commission in the State was constituted ;

(*b*) the qualifications and age of each member ;

(*c*) the maximum number of members that can serve on the Commission ;

(*d*) the duration of the term of each member ; and

(*e*) whether they are contemplating to reconstitute the Commission ; if so, when ?

A.—Sri KADIDAL MANJAPPA (Minister for Revenue and Public Works).—

(*a*) 18th May 1951.

(*b*) *Rajamantrapravina* Shri H. B. Gundappa Gowda, B.A., B.L. Date of Birth : 18th December 1899.

Shri George Mathan, B.Sc.

Date of Birth : 29th January 1901.

Shri H. M. Mallikarjunappa, B.A., LL.B.